

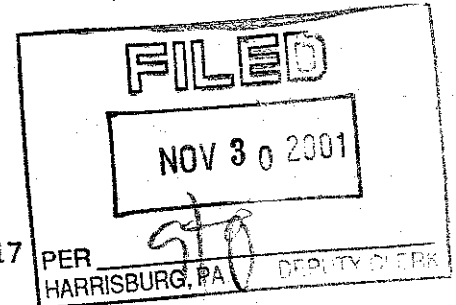
ORIGINAL
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

KIM SMITH
Plaintiff

vs.

WEXFORD HEALTH SOURCESS,
INC., JAMES MORGAN, et al.,
Defendants

:
:
:
:
:
: NO.: 1:CV01-0817
:
: (Caldwell J.)
:
: (Mannion, M.J.)
:
: JURY TRIAL DEMANDED



T . R . O .
N U N C P R O T U N C


AND now comes Kim Smith a lay person not lettered in legal, and without the aid of counsel prays a less stringent standard be applies to this Motion for T.R.O. to stop this institutional staff namely the Business Office and a Mr. Voeckler to send out Kim smith legal mail. This deprivation of this right and Kim Smith access to the Court deprives him for having his case heard, and is the cause of Kim Smith failure to comply with the rules of court and timely file any and all replies. As this act is knowingly and intentionally done to hinder any and all of Kim Smith litigations in the courts of this state. That these parties know or they should have known that if Kim Smith does not reply to the court in a timely manner it would result in a dismissal of any and all complaints and appeal rights.

That on Nov. 20, 2001 Kim Smith turned over to the block officer C.O. Schuppy 15 envelopes containing, Objection to Interrogatories, to all defendants counsel and the United States District Court Middle District, Notice of Appeal to the Commonwealth Court, and Superior Court as well as the defendants counsel, Motion for Enlargement of Time to file Interrogatories to the Court and defendants counsel, 8 of the 15 legal envelopes as sent out and 7 were returned to me See Exhibit A the Business Office

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12/3/01
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explanation for not sending out these legal mail, as this officer knew or he should have known that the failure to send out all the legal materials to the court would hinder Kim Smith ability to litigate his claims in the courts, and deprive him of his right to be heard, and to the access to the courts in a timely manner. Because of this act the Notice of Appeal has not reached the courts in a timely manner and may result in the dismissal of Appeal Rights, coupled with the hinderence to have his case heard in the Middle District Court.

For these reason plaintiff Kim Smith is seeking this order so he can be afforded his rights to the access to the courts and do so without the hinderence of staff at this institution in the litigation of his actions in Court.

A handwritten signature in dark ink, appearing to read "Kim Smith", with a stylized flourish at the end.

PROOF OF SERVICE

I certify the forgoing is true and correct, to the best of his knowledge, that on Nov. 29, 2001 after being denied leave for postage placed in the institutional mail box a copy of the motion for T.R.O. to be forwarded to the below listed parties.

Mary E. D'Andrea
Office of the Clerk
United States District Court
Middle District of Pennsylvania
Federal Building Rm. 1060
228 Walnut St.
P.O. Box 983
Harrisburg Pa. 17108-0983

C.R. Hostutler
Chief Clerk
Commonwealth Court
P.O. Box 11730
Harrisburg Pa. 17108

Office of the Prothonotary
Superior Court of Pennsylvania
810 City-County Building
414 Grant St.
Pgh. Pa. 15219

VERIFICATION

I Kim Smith swear/affirm that the under the penalties for perjury provided for by 18 Pa. C.S. § 4904 unsworn falsification, that the facts set forth contained are the truth and true and correct to the best of plaintiff, knowledge and understanding, and infomation.

Date 11-29-01
Kim Smith CT-2162
1 Kelley Dr. Coal Township Pa. 17866-1021


Petitioner

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
State Correctional Institution at Coal Township
570-644-7890
November 21, 2001

SUBJECT: Inmate Request

TO: Kim Smith, CT2162
D-2-19

William Voeckler

FROM: William Voeckler,
Business Manager

This will acknowledge receipt of thirteen (13) pieces of legal mail and accompanying cash slips. We sent out six (6) pieces of legal mail today totaling \$4.33 in postage. I am returning seven (7) pieces of legal mail and cash slips because you have reached the \$10.00 limit for the month of November. You will have to resubmit this legal mail in December if you are still indigent.

WV:amw
cc: Mr. Smith
File